

REMARKS

In an Official Action dated November 17, 2004, the Examiner requested that Applicants address the rejection of claims 1-4, 8, 11 and 13 as obvious over Haber et al 5,199,949 as set forth in the Official Action March 26, 2004. Accordingly, Applicants request that the Examiner reconsider the rejection of claims 1-4, 8, 11 and 13 in light of the following discussion.

Haber '949 is directed toward a syringe that is operable to mix medicines from a plurality of cartridges 30, 32 and then inject the mixed medicines in a single injection. A plunger 22 is used to expel fluid from the first cartridge 30 into an accumulator chamber 10. The plunger 22 is then removed from the first cartridge and inserted into the second cartridge and advanced to expel fluid from the second cartridge into the accumulator chamber 10. The plunger 22 is then inserted into the accumulator chamber 10 and advanced to expel the mixed medicines into a patient, through an insertion needle 78.

Haber '949 does not teach or suggest the use of a vial holder that is displaceable within a barrel as recited in claim 1. Further, there would be no motivation to modify the Haber '949 structure to incorporate a displaceable vial holder. In fact, it appears the Haber '949 device would not operate with a moveable vial holder. Specifically, a support plate 50 forms the forward end of the cartridge chambers 6, 8 in Haber '949. The support plate 50 includes a pair of check valves 58, 59 that prevent fluid from flowing from the accumulator chamber 10. If the support plate 50 were to be made moveable, it appears that the check valves either would not work or would require complications to the fluid path connection with the accumulation chamber. In addition, there would be no motivation to make such a change to the Haber '949 device because there is not advantage to incorporating a moveable vial holder in the Haber '949 device. Accordingly, since Haber '949 does not teach or suggest the feature of a displaceable vial holder, Applicants' claim 1 is patentable over Haber '949. For at least the reasons set forth above, dependent claims 2-4, 8, 11 and 13 are also patentable over Haber '949.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read 'S. H. Eland', is written over a horizontal line.

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